

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY, <i>et al.</i> ,)	Case No. 2:18-cv-530
)	
<i>Defendants.</i>)	

NOTICE OF MOTION TO FILE DOCUMENTS UNDER SEAL

This serves as notice, pursuant to Local Rule 5(C), that Defendant Norfolk Southern Railway Company (“NS”) has moved the Court to seal from public disclosure the following document: Defendants’ Consolidated Reply in Support of Their Objections to the Denial of Their Motions to Exclude the Opinions of Prof. Howard P. Marvel.

This document contains and/or references information that NS, Norfolk and Portsmouth Belt Line Railroad Company (collectively with NS, “Defendants”), Plaintiff CSX Transportation, Inc. (“CSX”), and/or third parties, have indicated is “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Stipulated Protective Order entered in this matter. ECF No. 79.

Any party or non-party may submit memoranda in support of or in opposition to this Motion within seven (7) days, designating all or part of such memoranda as confidential. Any information designated as confidential in a supporting or opposing memoranda will be treated as sealed pending a determination by the Court on the Motion to Seal. Any person objecting to this

Motion must file an objection with the Clerk within seven (7) days after the filing of this Motion.

If no objection is filed in a timely manner, the Court may treat the Motion as uncontested.

Dated: February 13, 2023

Respectfully submitted,

**NORFOLK SOUTHERN RAILWAY
COMPANY**

/s/ Michael E. Lacy

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